

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BROWSE3D LLC,

Plaintiff

v.

**VICTORIA'S SECRET STORES,
LLC,**

Defendant

Case No. 6:20-cv-00136

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Brwose3D LLC ("Browse3D" or "Plaintiff") files this Complaint for patent infringement against Defendant Victoria's Secret Stores, LLC. ("VSS" or "Defendant"), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq.*

PARTIES

2. Browse3D is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business 108 Wild Basin Rd South, Suite 250, Austin, Texas 78746.

3. Defendant is a corporation organized and existing under the laws of Delaware with corporate address of Three Limited Parkway, Columbus, Ohio 43230.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1391 and 1400.

5. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Defendants have committed acts of infringement and have regular and established places of business in this judicial district.

COUNT I **(Infringement of U.S. Patent No. 10,031,897)**

7. Browse3D incorporates paragraphs 1 through 6 as though fully set forth herein.

8. Plaintiff is the owner, by assignment, of U.S. Patent No. 10,031,897 (the “’897 Patent”), entitled SYSTEM AND METHOD FOR WEB BROWSING, which issued on July 24, 2018. A copy of the ’897 Patent is attached as Exhibit A.

9. The ’897 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

10. Defendant hosts and provides an interactive website at <https://www.victoriasecret.com> for advertising and promoting the sale of items to users of the website (the “Accused Product”). In use, Defendant tracks user behavior when interacting with the website, including selection of individual hyperlinks. Defendant uses

the user behavior information to customize the rendering of webpages to present information to the user. The Defendant's system for hosting and operating the website is the Accused Instrumentality that infringes the '897 Patent.

11. At least by hosting, promoting, and publishing the website, Defendant encourages its customers, potential customers, and users of the website to use the website and practice the claimed methods, which Defendant controls the use of and derives a direct benefit and profit from.

12. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 10, of the '897 Patent by making and using Defendant's interactive website in the United States without authority. Defendant has infringed and continues to infringe the '897 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271. Defendant has been on notice of the '897 Patent at least as early as the date it received service of this complaint.

13. Claim 10: A method for web browsing comprising:

over a plurality of browsing sessions, monitoring browsing activity of a

user at a particular web page that comprises a plurality of

hyperlinks for hyperlinking from the particular web page;

determining a pattern of hyperlink usage of the user based on the

monitored browsing activity;

determining a prioritized list of hyperlinks based on the determined

pattern of hyperlink usage, wherein the prioritized list of

hyperlinks comprises a subset of said plurality of hyperlinks, and

wherein each hyperlink on the prioritized list links to a respective web page;

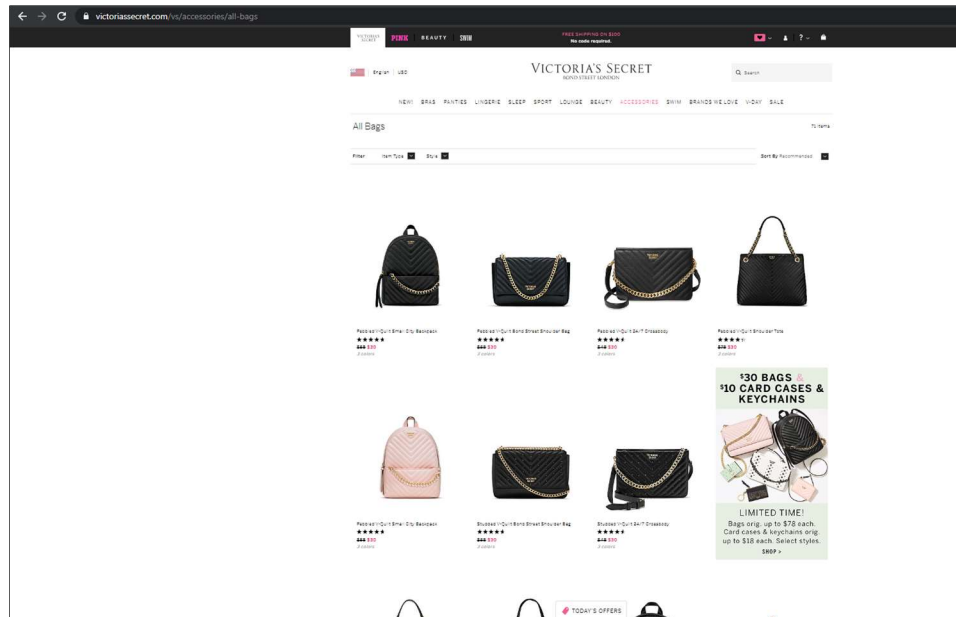
in an other browsing session, presenting a window that comprises a first area and a second area;

in the other browsing session, presenting the particular web page in the first area of the window;

in the other browsing session, automatically requesting web page data for the respective web pages; and

in the other browsing session, presenting in the second area each hyperlink in the prioritized list of hyperlinks, wherein the presented hyperlinks are positioned according to prioritization of the prioritized list, and wherein the presented hyperlinks are presented as reduced size images rendered using said requested web page data.

14. The Victoria's Secret website monitors the browsing activity of a user at a particular webpage. As shown below the each product page constitutes a particular webpage. The page comprises a plurality of hyperlinks for hyperlinking from the particular page.



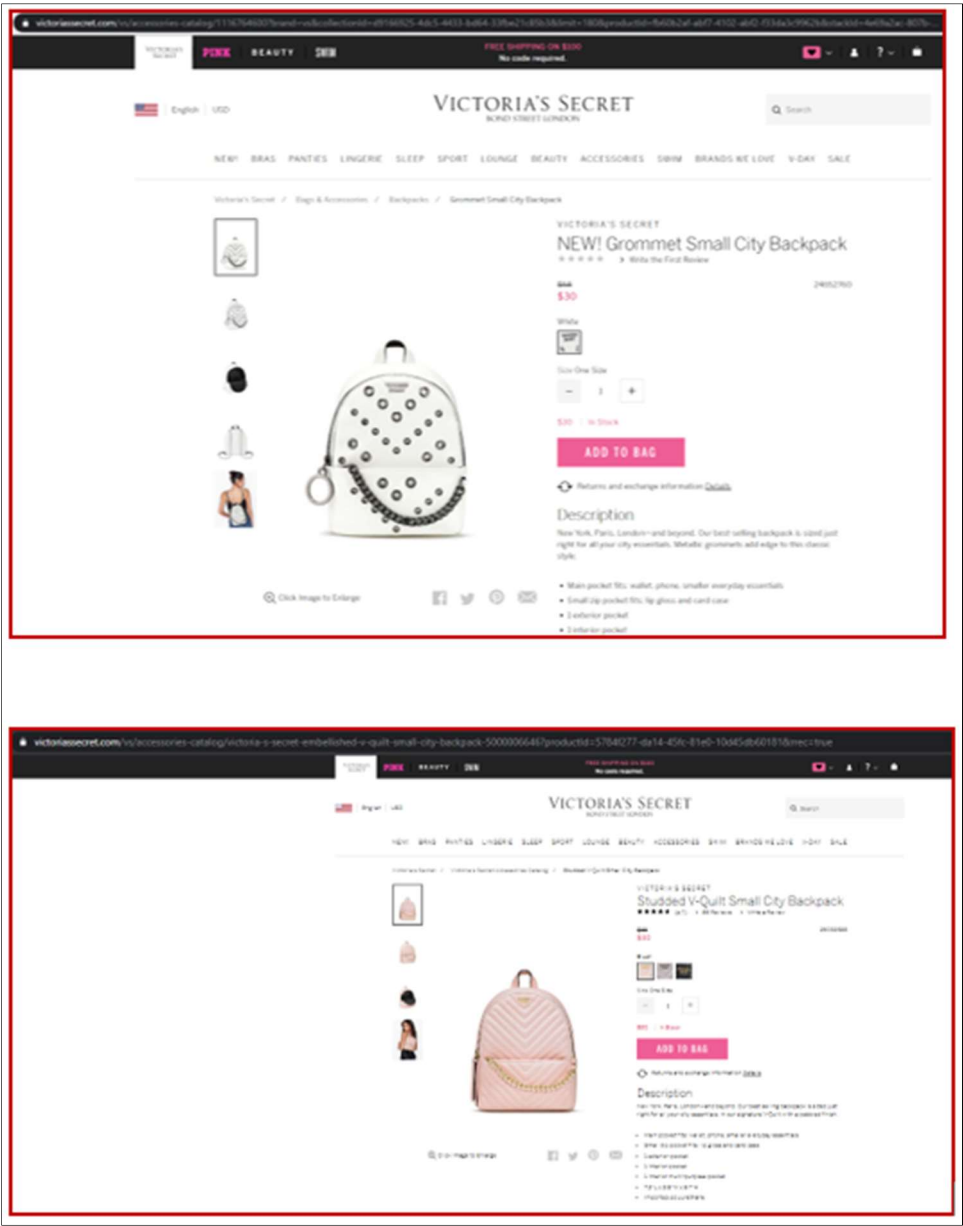
4. How We Use the Information We Obtain

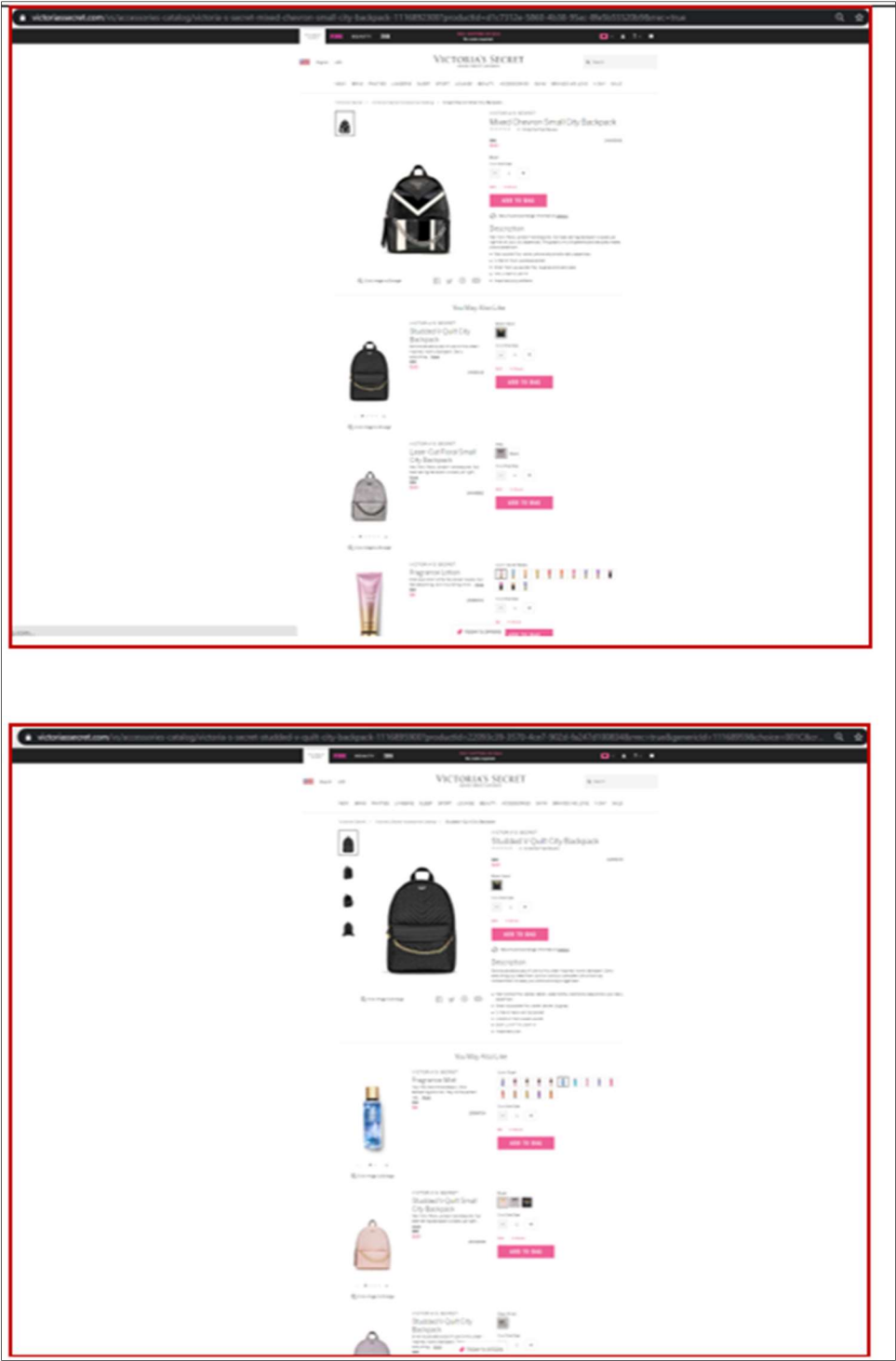
We use the personal information we obtain through the Services to:

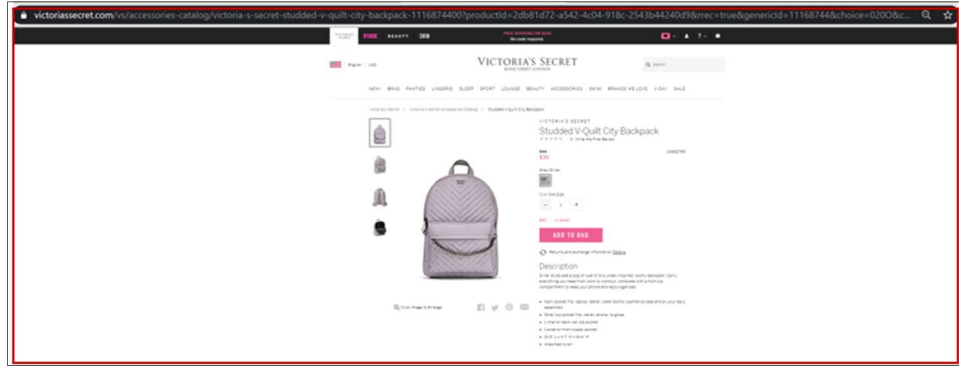
- a. deliver our Services
- b. process your online orders;
- c. facilitate payment and transactions;
- d. create and manage your online account;
- e. personalize your online experience with content and offers that are tailored to your interests;
- f. provide customer service and respond to your inquiries and requests;
- g. include you in surveys and contests;
- h. enable you to post your content, such as comments, images or videos;
- i. facilitate networks of online social activity centered around our products and services;
- j. improve our Services, the manner in which offers are made on our Services, and the interactions and experience visitors have with our Services;
- k. enable you to interact with third-party content service providers, whether by linking to their sites, viewing their content within our online environment, or by viewing our content within their online environment;
- l. market our products and services that may be of interest to you; and
- m. create aggregated, pseudonymized or anonymized information for statistical purposes

<https://www.victoriasecret.com/privacy-and-security>

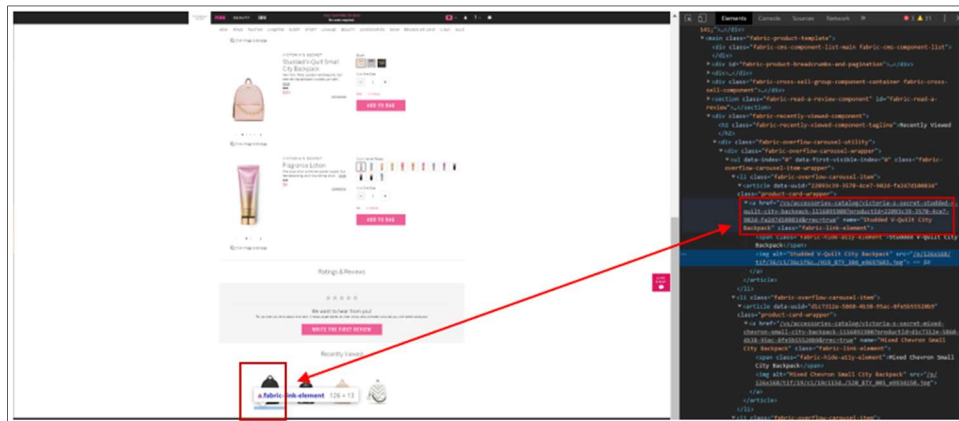
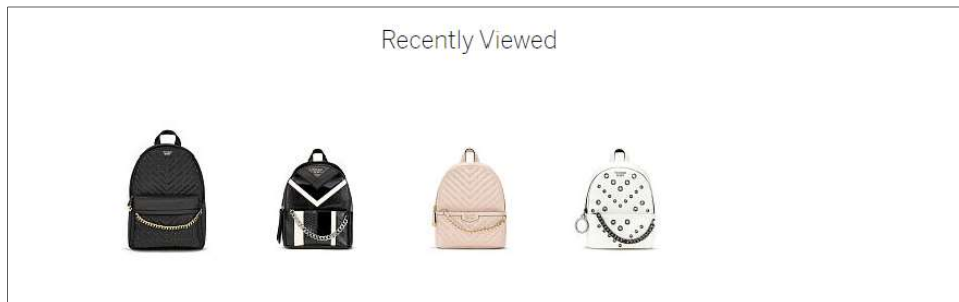
15. Plurality of browsing sessions at a variety of different “particular pages”:







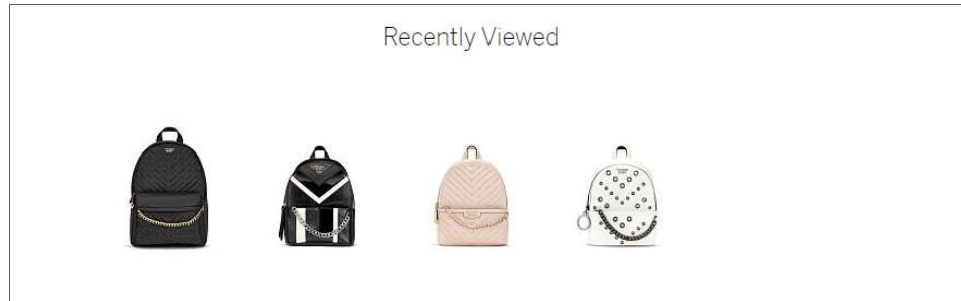
16. The Victoria's Secret website determines a pattern of hyperlink usage based on monitored browsing activity (e.g. Recently Viewed):



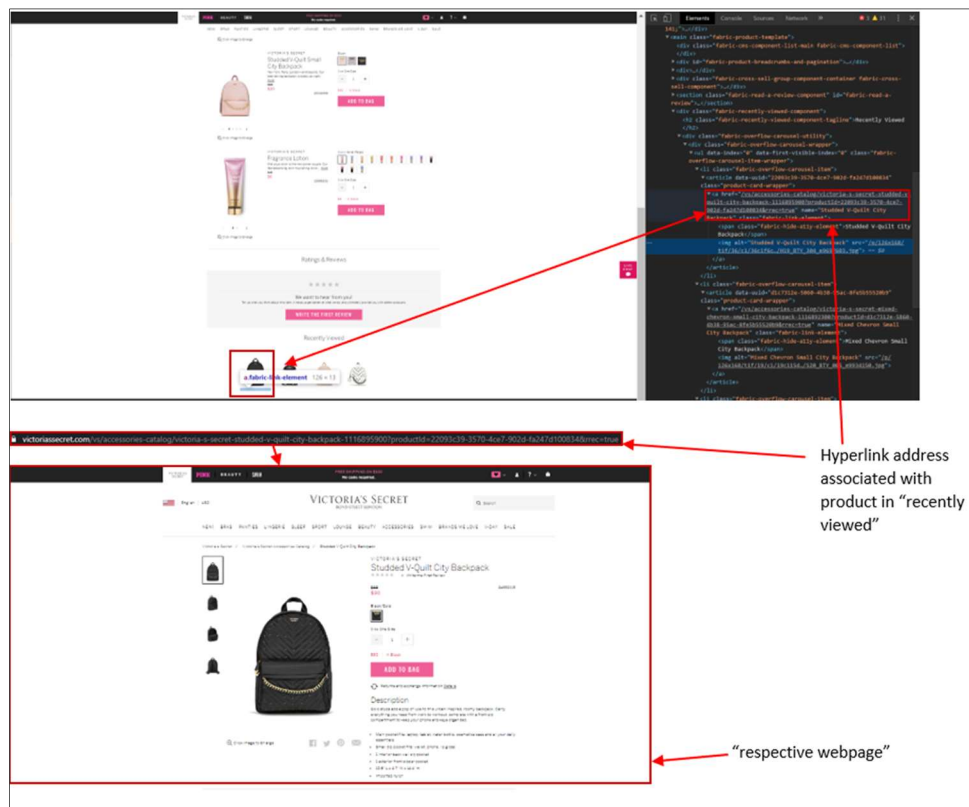
17. The recently viewed comprises a list of hyperlinks corresponding to each particular page the user visited during their browsing session.

18. The hyperlinks displayed in the "recently viewed" section are prioritized by when the user visited the last visited the page (e.g. the first particular page visited is

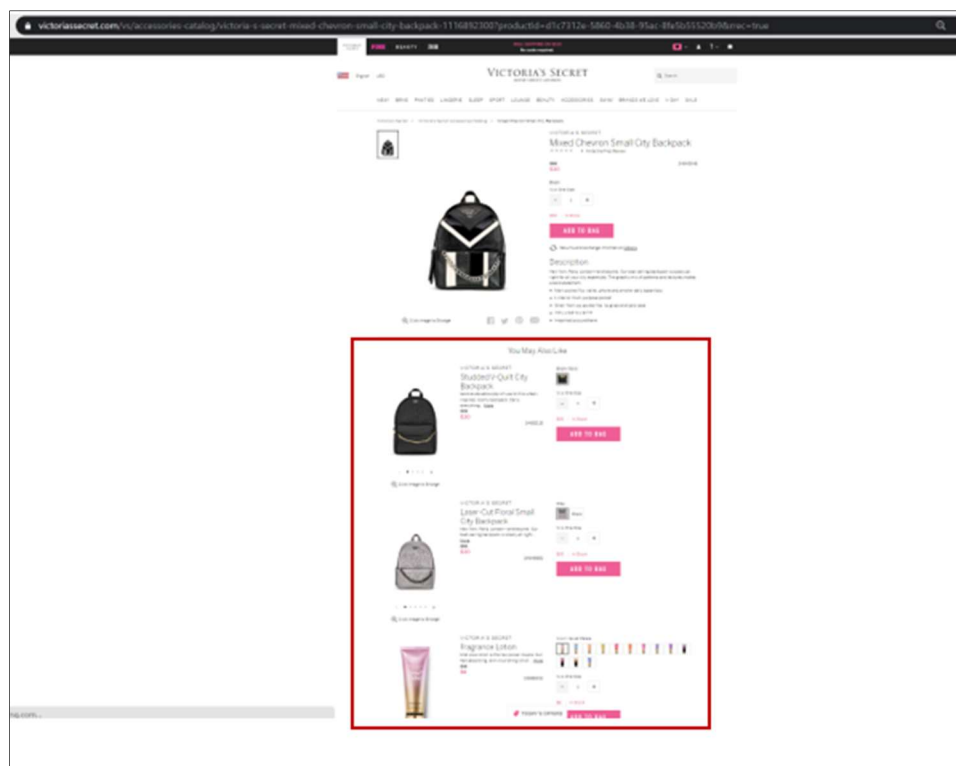
displayed furthest to the right, then each consecutive visit is placed chronologically, to the left of the last viewed page).



19. Each hyperlink from the prioritized list link to a respective webpage:

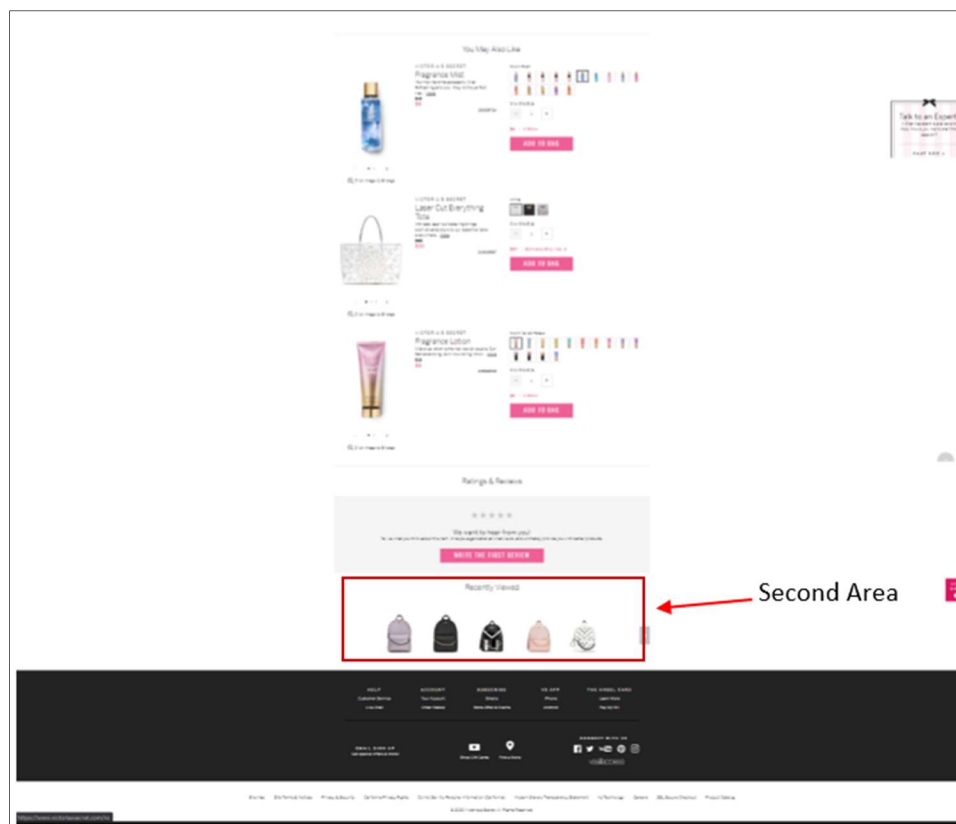


20. Each particular page comprises a plurality of links for hyperlinking from said particular page:

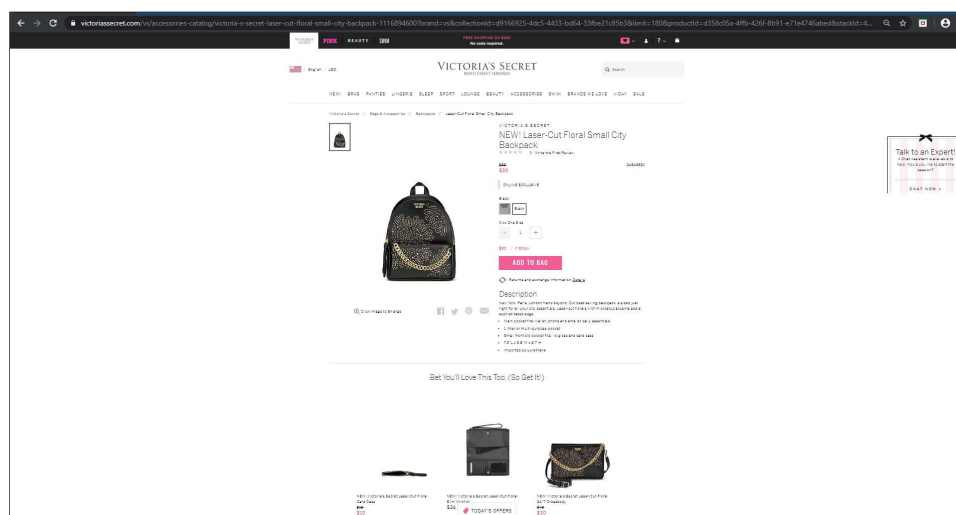


21. After the user closed the first browsing session and returned to browsing, the Accused Instrumentality presented a window that comprises a first and second area.

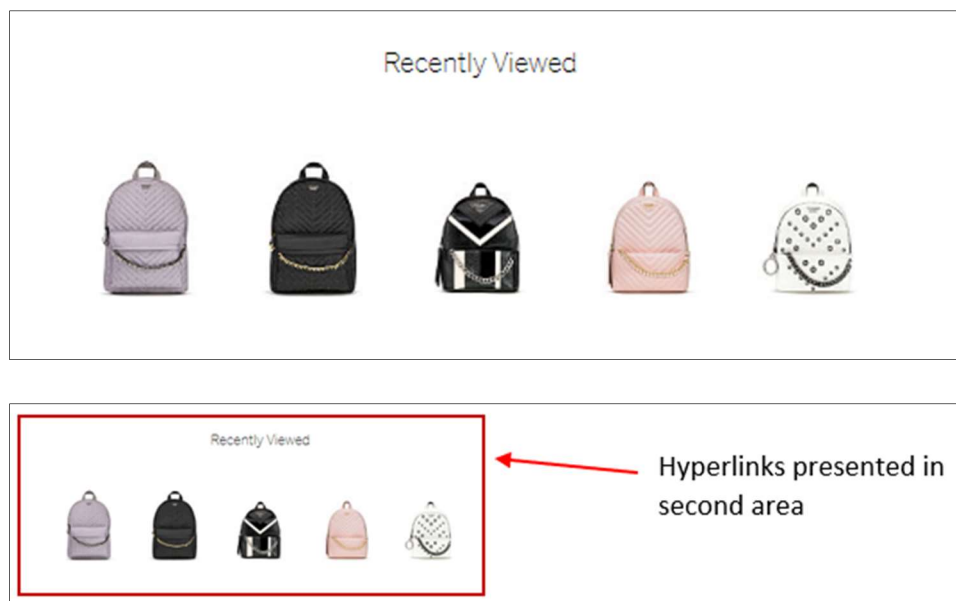
A second browsing session browsing session:



22. In the other browsing session, the website presents a particular page in the first area of the window.

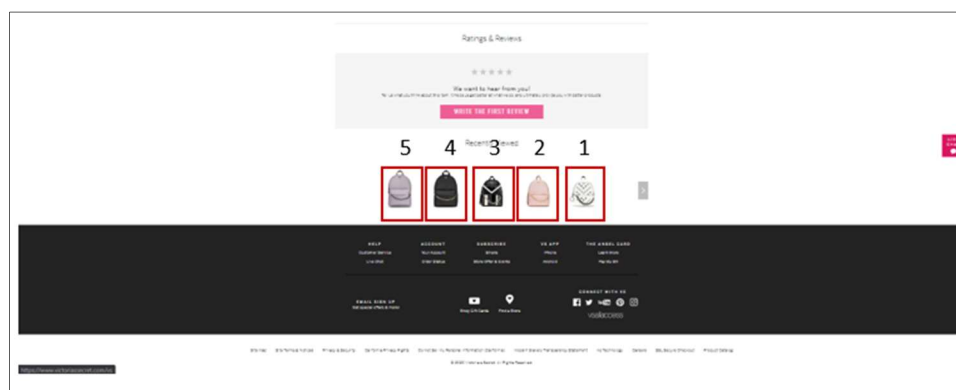


23. The page automatically requests the browsing activity which was captured and stored by Victoria's Secret's Website:

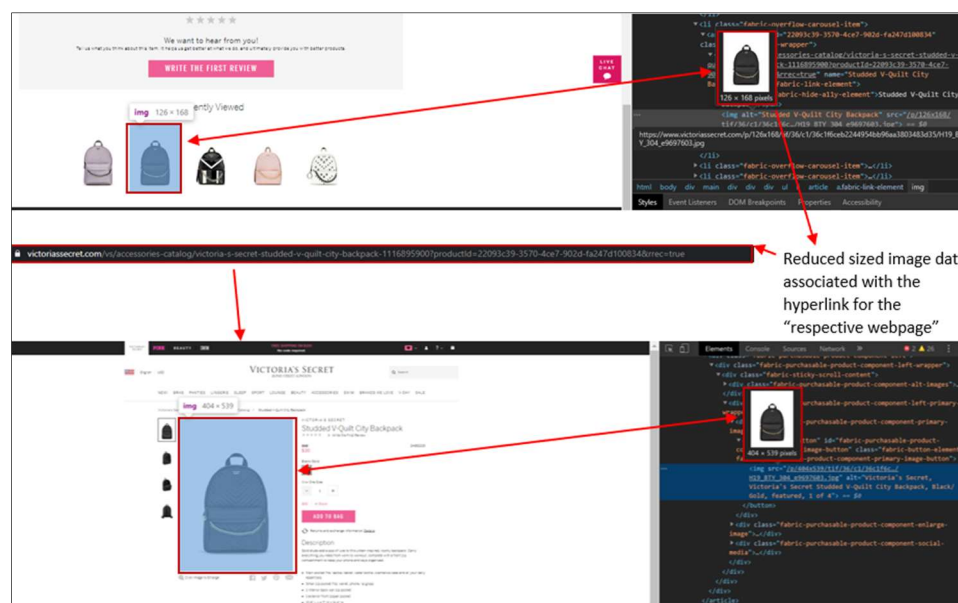


24. The hyperlinks displayed in the “recently viewed” section are prioritized by when the user visited the last visited the page (e.g. the first particular page visited is displayed furthest to the right, then each consecutive page visited is placed chronologically to the left of the last viewed page).

Order Viewed:



25. The images presented are reduced sized images rendered using the webpage data.



26. Browse3D has been damaged by Defendant's infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '897 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '897 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
4. granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: February 20, 2020

Respectfully submitted,

/s/ Raymond W. Mort, III

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**ATTORNEYS FOR PLAINTIFF
BROWSE3D LLC**